

REMARKS

The present application includes claims 1-4, 6-19, 21-22, 74, 76-94, 96-104, 106-111, 113-127, 129-161 and 163-168. Claims 1, 91, 97, 110 and 121 were amended. Claims 75, 105, 112, 128 and 162 were cancelled. Claim 168 is new.

Applicants thank the Examiner for indicating claims 14-19, 21-22, 78-90, 93-94, 96, 129-146, 152-160 and 163-167 as being allowed.

Claims 1-3, 11-13, 74 and 76 stand rejected under 35 U.S.C. §102(a) as being anticipated by Gifford III et al. (5,695,504), Figs. 17A-17D.

Claims 4, 6-10, 75 and 77 were indicated as being allowable. In order to further the application towards allowance, claim 1 was amended to include the limitation of claim 75 and claim 75 was cancelled. Therefore, claim 1 as amended was indicated by the Examiner as being allowable.

The dependent claims are allowable at least because claim 1 is allowable.

Claims 91 and 92 stand rejected under 35 U.S.C. §102(e) as being anticipated by Grudem et al. (US patent 6,511,491).

Claim 91 was amended to require a sterility maintaining package in which the at least one guide wire is attached to one end of the graft. This limitation is not taught or suggested by Grudem. Support for this limitation in the form of stating that a kit includes a sterility maintaining packaging is found on page 20, lines 17-19, of PCT application PCT/IL99/00284, published as WO 99/62415, which was incorporated by reference into the present application.

The dependent claim 92 is allowable at least because claim 91 is allowable.

Claims 97, 98, 104, 106-108, 110-111, 113-115, 117-119, 121, 123-127 and 162 stand rejected under 35 U.S.C. §102(b) as being anticipated by Miller et al. (5,250,058).

Claims 99-103, 105, 109, 112, 116, 120, 122, 128 and 149 were indicated as being allowable.

In order to further prosecution of the present application toward allowance, applicants amended independent claim 97 to include the limitation of allowed dependent claim 105, amended independent claim 110 to include the limitation of allowed dependent claim 112 and amended independent claim 121 to include the limitation of allowed dependent claim 128. Claims 105, 112 and 128 were accordingly deleted. In addition, claim 162 was cancelled and a new claim 168 presenting old claim 109 in independent form was added.

The dependent claims are allowable at least because the independent claims are allowable.

Claims 147-151 stand rejected under 35 U.S.C. §102(b) as being anticipated by Miller et al. (5,250,058). Applicants respectfully traverse the rejection.

Claim 147 requires at least one movement restricting element which is adapted to be moved into a fixation state such that the movement of at least one of the spikes is limited relative to at least one of the aperture elements, while some movement of the spike tips relative to each other is allowed in the fixation state.

In Miller, the spike tips cannot move relative to each other in any state.

The dependent claims are patentable at least by the virtue of their parent claim. Nonetheless, at least some of the dependent claims add further patentability over the art. Claim 150, for example, requires that in the fixation state, the movement restricting element allows some motion of the spikes relative to the aperture elements. Applicants did not find such allowance of motion in Miller.


Claim 161 stands rejected under 35 U.S.C. §102(b) as being anticipated by Miller et al. (5,250,058). Applicants respectfully traverse the rejection and states that the Examiner has not established a *prima facie* case of anticipation, as Miller does not teach at least one element required by claim 161.

Claim 161 requires a plurality of axially elastic spikes adapted to transfix a graft and penetrate a blood vessel. Miller does not teach or suggest axially elastic spikes.

In view of the above remarks, applicants submit that the claims are patentable over the prior art. If the Examiner does not agree regarding one or more of the claims, but is of the opinion that a telephone conversation may forward the present application toward allowance, applicants respectfully request that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

An allowance on the merits is respectfully requested.

Respectfully submitted,
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